

DISTRICT OF COLUMBIA
Department of Health
Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002
(202) 442-9091

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

NEWCOMB CHILD DEVELOPMENT CTR.
and ANDREA CANNON
Respondent

Case No.: I-00-40229

DECISION AND FINAL ORDER

I. Introduction

By Notice of Infraction served on June 14, 2000, the Government charged Respondent with violating 29 DCMR 326.5, which requires that health records be maintained for all enrolled infants or children, and 29 DCMR 316.3, which requires that the Mayor's approval be obtained when children of different ages are placed in one group. The Notice of Infraction seeks fines of \$50.00 for each violation.

Respondents entered a timely plea of Admit with Explanation which was received by the administrative court on June 29, 2000. At the time of the receipt of the plea, Respondents failed to attach or otherwise include a written explanation as required and stated on the Notice of Infraction:

“Prepare and assemble any written explanation, affidavits, or other evidence you believe is relevant to your explanation. An Administrative Law Judge will review the evidence in your case and issue a ruling. Failure to submit sufficient relevant

evidence of mitigating circumstances may result in a failure to obtain any reduction or suspension of the fine.”

As of the date of this Order, no such written explanation has been received. Pursuant to D.C. Code § 6-2712, Respondents’ time period for submitting a plea and any written explanation has expired.

II. Findings of Fact

1. By their plea of Admit with Explanation, Respondents have admitted violating 29 DCMR 326.5 and 29 DCMR 316.3.
2. Respondents offered no explanation stating mitigating circumstances.

III. Conclusions of Law

1. Respondents were in violation of 29 DCMR 326.5 and 29 DCMR 316.3.
2. There is no basis for a reduction or suspension of the fines. As such, I find that Respondents are liable for a fine of \$50.00 for violating 29 DCMR 326.5 and a fine of \$50.00 for violating 29 DCMR 316.3.

Therefore, on Respondent’s answer and plea, and the entire record in this case, it is hereby, this _____ day of _____, 2000:

ORDERED, that Respondents shall cause to be remitted a single payment totaling **ONE HUNDRED DOLLARS (\$100.00)** in accordance with the attached instructions within twenty (20) calendar days of the date of mailing of this Order (fifteen (15) calendar days plus five (5)

days for service by mail pursuant to D.C. Code § 6-2715). A failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondents' license or permit pursuant to D.C. Code § 6-2713(f).

/s/ **7-24-00**

John P. Dean
Administrative Judge